

## REMARKS/ARGUMENTS

Prior to the present amendments, claims 1, 3-15, 19-21, 23, 26-31, 33 and 36-62 were pending. Claims 1, 2, 4-6, 16-18, 22, 24, 25, 32-41, 43-53 and 62-114 have been cancelled. Claims 3, 7, 11, 15, 19-21, 23, 26-31 and 42 are being amended. After entry of the above amendments, claims 3, 7-15, 19-21, 23, 26-31, 42 and 54-61 will be pending.

### Election/Restriction

Claim 1 is being cancelled and claim 42 is being amended with respect to variable  $R_2$ , U and V, in accordance with the Examiner's suggestions. The amendments are discussed further below in connection with the rejections under 35 U.S.C. § 112, Second Paragraph. Additionally, claims 3, 7, 11, 15, 19-21, 23 and 26-31 are being amended to depend from claim 42 in accordance with the cancellation of claim 1.

The Examiner indicates that claim 54 has been withdrawn from consideration. Applicants note that claim 54 relates to embodiments wherein the ring formed by J, K, L and M is substituted with substituents that form a further ring. As such, the subject matter of claim 54 is consistent with the elected subject matter, and is readable thereon. Accordingly, claim 54 should *not* be withdrawn and has *not* been cancelled by the present amendments. .

### Information Disclosure Statements

Applicants thank the Examiner for indicating that the Information Disclosure Statements ("IDSs") filed 1/23/2007, 11/15/2006 and 9/26/2006 have been considered.

Applicants note that one (1) additional supplemental IDS was filed on January 8, 2007, in connection with the present application. An initialed copy of the Form 1449 is requested.

### Rejections under 35 USC §112, Second Paragraph

Claims 1, 3-15, 19-21, 23, 26-31, 33, 36, 42, 43 and 55-61 are rejected as allegedly being indefinite.

With respect to the phrase “U is a moiety providing 3 atom separation between V and the ring to which R<sub>2</sub> is attached,” Applicants maintain that those skilled in the art would readily understand that U is a “linker” that joins V to the ring of the compound of Formula XIX. However, for the sole purpose of advancing prosecution of the present application, Applicants are amending claim 42 to recite specific groups for U. Support for the amendment can be found, for example, in the specification at paragraphs [0233], [0234], [0240] and [0241], and original claim 15. Regarding claims 7 and 11, Applicants note that the atoms of U providing the separation between V and the ring to which R<sub>2</sub> is attached is provided by 2 or more of the ring atoms, and V is provided by one of the R<sub>8</sub> groups (*see*, Response to Office Action dated July 27, 2006 at page 27).

The claims are also rejected because the phrase “V... comprises a basic nitrogen atom that is capable of interacting with a carboxylic acid side chain of an active site residue of a protein” is allegedly indefinite. Applicants are amending claim 42 to delete the phrase “that is capable of interacting with a carboxylic acid side chain of an active site residue of a protein,” as suggested by the Examiner. Regarding the comments to claim 7, the Examiner appears to be confusing the definition for “-UV” of claim 7 with the definition for V. As discussed above, V is provided by one of the R<sub>8</sub> groups in claim 7 (and claim 11). Specific embodiments of V are described, for example, in the specification at paragraph [0235]. Independent claim 42 has been amended to incorporate the embodiments of paragraph [0235] for V. Applicants note that the claim amendments render the rejection to the use of the term “comprising” moot.

In addition, with respect to the phrase “R<sub>3</sub> and R<sub>4</sub> are taken together to form... a 6 membered ring,” Applicants maintain that one of ordinary skill in the art would understand the bounds of that phrase as it is used in the present claims. However, the cancellation of claim 1 renders the rejection moot.

#### **Miscellaneous Amendments to the Claims**

Claim 31 is being amended to delete the redundant phrase “substituted or unsubstituted,” which appears twice in the claim as previously amendment.

**Double Patenting**


The Examiner has provisionally rejected claims 1, 3-15, 19-21, 23, 26-31, 33, 36, 42, 43 and 55-61 under the doctrine of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5, 8, 9, 11-17, 19, 23, 26, 27, 29, 37-39, 51-57, 83, 84, 95, 99 and 111 of copending Application No. 10/809,635. Since the rejection is provisional, Applicants intend to address the rejection when one or both of the applications are otherwise in condition for allowance.

**CONCLUSION**

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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By:   
Mitchell R. Brustein  
Reg. No. 38,394

Customer No. 32793  
Takeda San Diego, Inc.  
10410 Science Center Drive  
San Diego, CA 92121  
Telephone: (858) 622-8528  
Facsimile: (858) 550-0992